

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF PENNSYLVANIA**

In re:

MBMK PROPERTY HOLDINGS, LLC

Debtor.

Chapter 11

Bankruptcy No.: 22-13121-mdc

MBMK Property Holdings, LLC,

Plaintiff,

v.

Wilmington Trust, National Association, As
Trustee for the Benefit of the Holders of
Corevest American Finance 2018-2 Trust
Mortgage Pass-Through Certificates; Bay
Management Group of Philadelphia, LLC;
James Paul, d/b/a James Paul of the ALPS
Group; and, ALPS Group, Inc. d/b/a James
Paul The ALPS Group,

Defendants.

Adv. Pro. No.: 23-00062-mdc

**ORDER GRANTING WILMINGTON TRUST, NATIONAL ASSOCIATION,
AS TRUSTEE FOR THE BENEFIT OF THE HOLDERS OF COREVEST AMERICAN
FINANCE 2018-2 TRUST MORTGAGE PASS-THROUGH CERTIFICATES
MOTION TO DISMISS COUNTS I, II, IV, AND V OF THE ADVERSARY
COMPLAINT FOR FAILURE TO STATE A CLAIM**

This matter is now before the Court upon the Motion to Dismiss Counts I, II, IV, and V of the Adversary Complaint for Failure to State a Claim, filed on November 13, 2023 (“Motion to Dismiss”), by Defendant Wilmington Trust, National Association, as Trustee for the Benefit of the Holders of CoreVest American Finance 2018-2 Trust Mortgage Pass-Through Certificates (“Lender”). The Court, having review Lender’s Motion to Dismiss and all of the relevant papers

of the other parties hereto, a hearing and oral argument having been held, and the Court being otherwise advised in the premises;

It is therefore **ORDERED** that Lender's Motion to Dismiss is **GRANTED** pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, Rule 7012(b) of the Federal Rules of Bankruptcy Procedure, and for those reasons more fully stated on the record.

Dated: _____

MAGDELINE D. COLEMAN
CHIEF U.S. BANKRUPTCY JUDGE

D. Wesley Meehan
Gordon Rees Scully Mansukhani, LLP
Three Logan Square
1717 Arch Street, Suite 1610
Philadelphia, PA 19103

David P. Cañas
4301 Aspen Drove Drive, Suite 290
Franklin, TN 27067